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November 13, 2007

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation, CS Docket No. 97-80

Dear Ms. Dortch:

On Friday, November 9, 2007, Timothy Dodd of Time Warner Cable, Jonathan Friedman of the law firm of Willkie Farr & Gallagher LLP, Paul Glist of the law firm of Davis Wright Tremaine LLP, and I met with Rick Chessen, Legal Advisor to Commissioner Michael Copps. We discussed licensing issues described in NCTA's Comments and Reply Comments in CS Docket No. 97-80.

We also discussed the support for the OpenCable Platform reflected in a letter submitted to the Commission on November 1, 2007 by the two vice chairmen of ITU Study Group 9 who concluded that: "[I]f, in the above-titled docket, the FCC were to adopt regulations in support of any interactive digital television architecture, we believe that support of the OpenCable Platform would be consistent with past and current U.S. support of a series of ITU specifications for interactive digital television, and consistent with a worldwide movement towards an interoperable middleware platform for interactive digital television services and applications. *Adopting other alternatives, even in addition to the OpenCable Platform, would be redundant, slow the deployment of the OpenCable Platform, isolate the United States from a rapid advancement in the world market for interactive digital television services, applications, and devices, and otherwise leave the U.S. behind in the digital transition.*"

A copy of that letter (which is already in the above-referenced docket) is attached hereto as is a copy of a press release describing the ITU Study Group meeting held last week which references the letter the two Vice Chairmen sent to the FCC.

Respectfully submitted,

/s/ Neal M. Goldberg

Neal Goldberg

cc: Rick Chessen
Michelle Carey
Rudy Brioché
Amy Blankenship
Cristina Pauzé
Monica Desai
Julius Knapp
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Attachments

CableLabs

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FOR IMMEDIATE RELEASE

ITU Study Group 9 Approves Standards for IPTV and VoIP

Louisville, Colorado, November 8, 2007 – The main International Telecommunications Union (ITU) study group for broadband services approved Internet Protocol and advanced HDTV proposals during meetings held Oct. 29 - Nov. 2 here at the headquarters of CableLabs®. ITU is the leading United Nations agency for information and communication technologies.

During its Louisville meetings, ITU Study Group 9, entitled Integrated Broadband Cable Networks and Television and Sound Transmission, approved for standardization a major recommendation contributing to the advancement of IPTV, Recommendation J.700 "IPTV Service Requirements and Framework for Secondary Distribution." Secondary distribution is an ITU term meaning use of a transmission channel for distribution of video/audio programs to users at large, for example by an over-the-air broadcast channel or by means of a fiber or cable network.

In addition, recommendations relating to second- and third-generation IPCablecom were "consented" or approved for consideration by the full ITU for standardization. These recommendations add to a suite of more than 25 recommendations which have been developed for cable and hybrid networks primarily designed for television and sound program delivery to the home as integrated broadband networks to also carry voice and other time-critical services including video on demand interactive services.

From the beginning of this work on IPCablecom up until now, equipment based upon these recommendations, such as modems, set-top boxes, signaling equipment, interactive television application platform interfaces, digital program insertion, and others have had widespread implementation in networks in Asia, Europe, and North America.

Also, of interest to the movie and theater industries, is Recommendation J.600 "Transport of Large Screen Digital Imagery (LSDI) applications that employ MPEG-2 encoded HDTV signals." Significant progress was made on a new draft recommendation related to the transport of program signals conforming to the higher levels of the LSDI expanded hierarchy as used for contribution and primary distribution.

The J.600 Recommendation addresses use of a broadband service or channel for transferring audio or video information to a production center where post-production processing may take place before subsequent distribution. Primary distribution is the use of a transmission channel for transferring audio and/or video information from a production center to one or several destination points; for example, to a broadcast transmitting center or the headend of a cable distribution network. Work in this LSDI area has been done with interactions between ITU-T Study Group 9, ITU-R Study Group 6, and other bodies external to the ITU.

The J.202 Recommendation "Harmonization of procedural content formats for interactive TV applications" was updated to reflect the most current version of the ETSI GEM (Globally Executable MHP) standard. GEM forms the common core for similar middleware standards worldwide, including the OpenCable™ Platform in the US and Korea, ARIB in Japan, and the Multimedia Home Platform (MHP) in most of Europe and elsewhere.

The ITU vice chairman for APIs, Charlie Sandbank from the United Kingdom, and the chairman of ITU Study Group 9, Dr. Richard R. Green, President and CEO of CableLabs, from the United States, discussed certain actions being contemplated in the United States by the FCC to require the US cable industry to support an architecture divergent from the J.200 Recommendation supported by the US in the ITU. As a result, the two vice chairmen of ITU Study Group 9 sent a letter last week to the FCC expressing their concerns. The letter is available at http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519809294

A number of participants representing Member States and Sector Members from Africa, Asia, Europe, Trinidad and Tobago, and North America were kept very busy and concluded work on a number of new and revised ITU Recommendations.

About CableLabs

Founded in 1988 by members of the cable television industry, Cable Television Laboratories is a non-profit research and development consortium that is dedicated to pursuing new cable telecommunications technologies and to helping its cable operator members integrate those advancements into their business objectives. Cable operators from around the world are members. CableLabs maintains web sites at www.cablelabs.com; www.packetcable.com; www.cablemodem.com; www.cablenet.org; and www.opencable.com.

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1 November 2007

Honorable Kevin J. Martin
Chairman, Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 97-80; PP Docket No. 00-67

Dear Chairman Martin:

From an international perspective, we believe that it is critical for the U.S. to continue its strong support for worldwide International Telecommunications Union (ITU) standards for interoperable, interactive digital television services. As we discuss below, if, in the above-titled docket, the FCC were to adopt regulations in support of any interactive digital television architecture, we believe that support of the OpenCable Platform would be consistent with past and current U.S. support of a series of ITU specifications for interactive digital television, and consistent with a worldwide movement towards an interoperable middleware platform for interactive digital television services and applications. *Adopting other alternatives, even in addition to the OpenCable Platform, would be redundant, slow the deployment of the OpenCable Platform, isolate the United States from a rapid advancement in the world market for interactive digital television services, applications, and devices, and otherwise leave the U.S. behind in the digital transition.*

The ITU is the United Nations (UN) agency for information and communication technologies. The ITU serves as the global focal point for governments and the private sector for communications issues and standardization. The ITU membership includes 191 Member States, including the U.S.—a very active member. We are Vice Chairmen of the ITU's Study Group 9 which addresses worldwide standards for integrated broadband cable and television networks.

It has come to our attention that the U.S., under the above-titled FCC docket, is considering various options for advancing interactive digital television services through the adoption of certain regulatory measures designed to facilitate interoperable applications and services on both retail and leased television devices. The current focus appears to be on interactive video services delivered over cable networks.

We would like to note that the U.S., through its participation at the ITU, has previously voted in consensus with the rest of the ITU membership to support the ITU J.200 series of specifications "***Worldwide common core – Application environment for digital interactive television services***" (J.200). The ITU J.200 series identifies the structure, origins and specification sources for a harmonized environment including a set of application programming interfaces (APIs) for interactive digital television. ITU J.200 was jointly developed by *both* ITU-R (Radiocommunication) and ITU-T (Telecommunications)—the two largest groups of the ITU—with significant input from the consumer electronics, broadcast, cable, satellite, IPTV, content provider, software programming, and information technologies sectors.

The goal that has been achieved by widespread support of J.200 is to provide a worldwide common platform for the delivery of interactive television applications. Thus, interactive television applications can be written once, and run virtually anywhere with little or no modification. We believe this is important to the development and rapid deployment of interactive digital video services on cable, broadcast, IPTV, satellite, and other networks. *We appreciate the role the U.S. delegation has played as a key sponsor and champion of this effort.*

In the U.S., the embodiment of J.200 is in the OpenCable Application Platform middleware specification for interactive cable devices (the OpenCable Platform). *See also SCTE/ANSI 90.* Consistent with the vision of J.200, the OpenCable Platform provides a ubiquitous middleware abstraction above divergent network services, applications, and protocols. This enables content providers, device manufacturers, and service providers to interface with the cable network through common APIs, and have the flexibility to innovate at the application, device, and network layers. By supporting the OpenCable Platform, the products and services of U.S. cable, content, and device manufacturers, as well as application developers, remain interoperable with similar architectures worldwide. *Other alternatives would tend to isolate the United States from a rapid advancement in the world market for interactive digital television services, applications, and devices.*

Indeed, J.200 has been adopted by many countries, including Korea (OpenCable); Japan (ARIB); Australia, Austria, Belgium, Czech Republic, Denmark, Finland, Germany, Hungary, Italy, Malta, Norway, Saudi Arabia, South Korea, Spain, and Sweden (DVB-Multimedia Home Platform); and other countries. Devices that support the J.200 standard have been deployed on cable, broadcast, and satellite systems.

The J.200 middleware API set is supported by major Consumer Electronics (CE) manufacturers. In Europe, the Digital Video Broadcast Project (DVB) has promulgated the Multimedia Home Platform specification that is consistent with J.200. The Steering Board of DVB includes Sony, Philips, Microsoft, Intel, Pace, Samsung, and Thomson. In Korea, which has successfully deployed the OpenCable Platform ahead of the U.S., Samsung and Humax make compatible products.

Similar middleware technology to abstract network or hardware differences have also been successfully deployed in cellular networks, Blu-ray Disk, HD-DVDs, and other areas where there is a need to provide for interoperable applications on diverse devices and networks.

In summary, if the FCC were to adopt regulations in support of any interactive digital television architecture, we believe that support of the OpenCable Platform would be consistent with past and current U.S. support of J.200 at the ITU, and consistent with a worldwide movement towards an interoperable middleware platform for interactive digital television services and applications. Adopting other alternatives, even in addition to the OpenCable Platform would be redundant, isolate the United States from the rapid advancement in the world market for interactive digital television services, applications, and devices, and place the U.S. out of step with the international technical community for advanced interactive digital television services.

We respectfully submit these comments in our personal capacities as Vice Chairmen of ITU, Study Group 9 (Integrated broadband cable networks and television and sound transmission):

Charles Sandbank
Vice Chairman ITU-T, Study Group 9

Shuichi Matsumoto
Vice Chairman ITU-T, Study Group 9

Cc:

Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Deborah Taylor Tate
Ambassador David A. Gross, U.S. Department of State